

[CLICK HERE TO SUBMIT A COMMENT ON AN ITEM](#)

CONSENT AGENDA

ITEMS 1-21

Tuesday, May 6, 2008
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How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Request to Speak card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. **[Samurai Cowboy Restaurant Liquor License \(23-LL-2008\)](#)**

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location with a new owner.

Location: 4233 N. Scottsdale Road

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Chief Planning and Administration Officer, 480-312-2664, cpadian@scottsdaleaz.gov

2. **[Neiman Marcus Café Beer and Wine Bar Liquor License \(24-LL-2008\)](#)**

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an agent and acquisition of control change for a series 7 (beer and wine bar) liquor license for an existing location.

Location: 6900 E. Camelback Road

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Chief Planning and Administration Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. **[Residence Inn by Marriott Beer and Wine Bar Liquor License \(25-LL-2008\)](#)**

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 7 (beer and wine bar) liquor license for an existing location.

Location: 6040 N. Scottsdale Road

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Chief Planning and Administration Officer, 480-312-2664, cpadian@scottsdaleaz.gov

4. **[Corner Market Beer and Wine Store Liquor License \(26-LL-2008\)](#)**

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for a new owner at an existing location.

Location: 15111 N. Hayden Road, Suite 101

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Chief Planning and Administration Officer, 480-312-2664, cpadian@scottsdaleaz.gov

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5. **Canton Dragon Chinese Restaurant Liquor License (27-LI-2008)**

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an agent and acquisition of control change for an existing series 12 (restaurant) liquor license.

Location: 10190 N. 90th Street, Suite 101

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Chief Planning and Administration Officer, 480-312-2664, cpadian@scottsdaleaz.gov

6. **Desert Foothills YMCA Conditional Use Permit (30-UP-2007)**

Requests:

1. Approve a Conditional Use Permit for community buildings and recreational facilities not publicly owned (YMCA and a community center) on a portion of a parcel owned by the Maricopa County Community College District. The subject site occupies 5.17± acres located approximately 660 feet south of East Carefree Highway, on the west side of North 50th Street, with Single-Family Residential District, Environmentally Sensitive Lands (R1-43 ESL) zoning.
2. Adopt **Resolution No. 7567** affirming the Conditional Use Permit and finding that the conditional use permit criteria have been met.

Location: 34250 N. 60th Street

Related Policies, References: 83-DR-2007, 123-ZN-1986, 111-ZN-1987, 113-ZN-1987, Black Mountain Area Plan

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Lusía Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

7. **Scottsdale East Plaza Abandonment (2-AB-2008)**

Requests:

1. Abandon a 20-foot wide right-of-way for alley purposes along the south side of a 3.65-acre shopping center located at the southeast corner of North Hayden Road and East Roosevelt Street.
2. Dedicate a private access easement to the neighboring property at the southwest corner of the site.
3. Retain a public utility easement along the entire abandonment right-of-way.
4. Retain a drainage easement along the entire abandonment right-of-way.
5. Retain the existing pedestrian access at the southeast corner of the site via deed restriction.
6. Adopt **Resolution No. 7515** vacating and abandoning public rights-of-way.

Location: 909 N. Hayden Road

Related Policies, References:

- The alley was dedicated as part of the Scottsdale East Plat subdivision in 1962
- 13-ZN-2007 (being processed concurrently with 2-AB-2008)
- 20-DR-2007 (to be reviewed by the Development Review Board following City Council action on the associated rezoning and abandonment cases)

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Lusía Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

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8. **Sienna Hills Final Plat (3-PP-2004#2)**

Request: Approve a Final Plat for a 12-lot subdivision with amended development standards on a 14-acre parcel located at the southwest corner of East Gail Road and North 124th Street, approximately one-quarter mile north of East Shea Boulevard.

Location: 12323 E. Gail Road

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Lusía Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

9. **DC Ranch Parcel 2.15 Replat (5-PP-2006#2)**

Request: Approve a Replat for DC Ranch Parcel 2.15 located on a 10± acre parcel.

Location: Southwest corner of Thompson Peak Parkway and Desert Camp Drive

Related Policies, References: 5-PP-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Lusía Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

10. **Parcel M and O at Troon Final Plat (6-PP-2006)**

Request: Approve a Final Plat, with amended development standards for a 21-unit single-family residential subdivision on a 10± acre parcel.

Location: 28000 N. Alma School Parkway

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Lusía Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

11. **Brusally Ranch Final Plat (5-PP-2007)**

Request: Approve a Final Plat for a residential subdivision application on a 5.73-acre parcel.

Location: 11600 N. 84th Street

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Lusía Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

12. **Scottsdale East Plaza Rezoning (13-ZN-2007)**

Requests:

1. Approve rezoning from Regional Shopping Center District (C-S) to Highway Commercial District (C-3) for a 3.65-acre shopping center located at the southeast corner of North Hayden Road and East Roosevelt Street.

2. Adopt **Ordinance No. 3786** affirming the rezoning.

Location: 909 N. Hayden Road

Related Policies, References:

- General Plan
- 2-AB-2008 (being processed concurrently with 13-ZN-2007)
- 22-DR-2002#2, approved on June 17, 2004, but has since expired
- 20-DR-2007 (to be reviewed by the Development Review Board following City Council action on the associated rezoning and abandonment cases)

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Lusía Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

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13. [**Intergovernmental Agreement for Joint Legal Representation in the Quantification and Settlement of White Mountain Apache Tribe Water Rights Claims**](#)
Request: Adopt **Resolution No. 7582** authorizing the Mayor to execute Intergovernmental Agreement No. 2008-073-COS among the cities of Scottsdale, Chandler, Glendale and Avondale; and Legal Services Contract No. 2008-074-COS among the aforementioned cities and the law firm of Engelman Berger, P.C., both relating to joint legal representation in the quantification and settlement activities in connection with the water rights claims of the White Mountain Apache Tribe.
Staff Contact(s): Deborah Robberson, City Attorney, (480) 312-2405, drobberson@scottsdaleaz.gov
14. [**Industrial Development Authority Bonds for Scottsdale Healthcare**](#)
Request: Adopt **Resolution No. 7586** upholding the approval of the Scottsdale Industrial Development Authority for the authorization of Scottsdale Healthcare to amend its Supplemental Bond Indenture (\$89,700,000) Series 2006F to facilitate the conversion of bonds from variable interest rates to fixed interest rates to maturity, including permitting the establishment of specified maturity dates for portions of the principal of the bonds and the remarketing of the bonds at prices reflecting net premium.
Staff Contact(s): Harold Stewart, Acting Economic Vitality Manager, 480-312-2311, hstewart@scottsdaleaz.gov; John C. Little, Acting City Manager, 480-312-2800, jlittle@scottsdaleaz.gov
15. [**Gainey Ranch Community Association Median Maintenance and Reimbursement Agreement**](#)
Request: Adopt **Resolution No. 7531** authorizing the City to enter into Median Maintenance and Reimbursement Agreement No. 2008-046-COS with the Gainey Ranch Community Association.
Related Policies, References: Contract No. 860307 entered into May 19, 1986 for median maintenance. The contract had a term of 20 years and expired on May 19, 2006. The Gainey Ranch Community Association has continued to maintain the medians, in accordance with the 1986 Agreement since its expiration, while a suitable agreement was drafted. This was agreed upon by the Association and the City.
Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov
16. [**Intergovernmental Agreement for Design and Construction Services for Modification of the WestWorld Central Arizona Project Turnout Structure**](#)
Request: Adopt **Resolution No. 7583** authorizing Intergovernmental Agreement No. 2008-067-COS to reimburse the Central Arizona Water Conservation District for design and construction services for modification of the WestWorld/Sanctuary Central Arizona Project turnout structure.
Staff Contact(s): Marshall Brown, Water Resources General Manager, 480-312-5683, mbrown@scottsdaleaz.gov

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17. [**Mutual Aid Intergovernmental Agreement for Water Utility Related Emergencies**](#)
Request: Adopt **Resolution No. 7557** authorizing Intergovernmental Agreement No. 2008-058-COS for the execution of a mutual aid agreement among the members of the Arizona Water and Wastewater Agency Response Network for water utility related emergencies.
Staff Contact(s): Marshall Brown, Water Resources General Manager, 480-312-5683, mbrown@scottsdaleaz.gov
18. [**License Agreement for Installation of Water and Sewer Mains within the Salt River Project Arizona Canal Right-of-Way at Camelback Road**](#)
Request: Adopt **Resolution No. 7572** authorizing Contract No. 2008-077-COS allowing the City to install water and sewer mains under the Arizona Canal within Salt River Project's right-of-way at Camelback Road.
Related Policies, References:
 - On February 8, 2005, the City Council approved Engineering Services Contract No. 2005-012-COS with CSA Engineering, Inc., for design of water transmission improvements in the Downtown area.
 - On May 3, 2005, the City Council authorized CM@Risk Contract No. 2002-048-COS with Achen Gardner Engineering, LLC, for pre-construction services for water transmission improvements in the Downtown area.
 - On July 5, 2005, the City Council authorized CM@Risk Contract No. 2005-106-COS with Achen Gardner Engineering, LLC, for construction services for water transmission improvements in the Downtown area.**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
19. [**Architectural Services Contract for the Design of the Cactus Acres and Eldorado Park Fire Stations**](#)
Request: Adopt **Resolution No. 7541** authorizing Architectural Services Contract No. 2008-052-COS with WLC Architects, Inc., in the amount of \$847,790 for the design of new fire stations at Eldorado Park and Cactus Acres.
Related Policies, References:
 - On September 18, 2007, the City Council adopted Resolution No. 7359 authorizing the purchase of property for construction of the Cactus Acres Fire Station.
 - On October 16, 2007, the City Council adopted Resolution No. 7354 authorizing Architectural Services Contract No. 2007-153-COS with WLC Architects, Inc., for citywide planning and conceptual design of future fire stations.**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

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20. **Engineering Services Contract Modifications for Design of On-call Water and Sewer Projects**

Request: Adopt **Resolution No. 7560** authorizing Engineering Services Contract Modification No. 2007-038-COS-A1 with David Evans & Associates, Inc., and Engineering Services Contract Modification No. 2007-039-COS-A1 with Valentine Environmental Engineering LLC, each for amounts not to exceed \$500,000 annually for design of on-call water and sewer projects.

Related Policies, References:

- On March 4, 2008, the City Council approved the Integrated Water and Wastewater Master plans.
- On April 10, 2007, the City Council approved Engineering Services Contract No. 2007-038-COS with David Evans & Associates, Inc., and Engineering Services Contract No. 2007-039-COS with Valentine Environmental Engineering LLC for on-call water and sewer designs.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

21. **Partial Settlement in City of Scottsdale v. Happy Peak, Inc., a Roadway and Utilities Condemnation Case**

Request: Adopt **Resolution No. 7596** authorizing the City Attorney to settle a portion of City of Scottsdale v. Happy Peak, Inc., Maricopa County Superior Case No. CV2002-013632, an eminent domain action brought to acquire a waterline easement, and an inverse eminent domain counterclaim brought by the property owner for compensation for an alleged taking of roadway easement.

Related Policies, References: Resolution No. 6066 authorized, subject to Council approval, the quieting of title to, or the acquisition of, the property that is the subject of the claims and counterclaims in City of Scottsdale v. Happy Peak, Inc., in Maricopa County Superior Court Case No. CV2002-013632.

Staff Contact(s): Deborah Robberson, City Attorney, (480) 312-2405, drobberson@scottsdaleaz.gov

Regular Agenda begins on the following page

REGULAR AGENDA

ITEMS 22-24

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How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. Speakers will be given at least three minutes to speak per item. Additional time may be granted to speakers representing two or more persons. Cards for designated speakers and the persons they represent must be submitted together. **Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

22. [Upper Deck Sports Grill Teletrack Wagering Establishment License Renewal \(Application No. 1019804\)](#)

Request: Consider application to renew wagering license (off track betting) at an existing sports bar and grill location.

Location: 4224 N. Craftsman Court

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Chief Planning and Administration Officer, 480-312-2664, cpadian@scottsdaleaz.gov

23. [Public Hearing on the Proposed FY 2008/09 Operating and Capital Budget](#)

Request: Receive public input relative to the City's Proposed Fiscal Year 2008/09 Operating and Capital Budget.

Staff Contact(s): Craig Clifford, Financial Services General Manager/CFO, 480-312-2364, cclifford@ScottsdaleAZ.gov; Scott McCarty, Assistant Financial Services Manager, 480-312-7582, smccarty@scottsdaleaz.gov; Arthur Rullo, Budget Director, 480-312-2435, arullo@scottsdaleaz.gov

24. [Signal Installation at Intersection of Pima and Jomax Roads](#)

Request: Pursuant to Council direction of April 15, 2008, discuss and consider options, and provide direction to staff, regarding the installation of a signal at the intersection of Pima and Jomax roads.

Related Policies, References:

- The City Council was presented with a citizen petition on January 8, 2008 requesting an analysis of alternatives for a protected crossing for trail users and pedestrians at the intersection of Pima and Jomax roads.
- The City Council was presented with a citizen petition on February 5, 2008 requesting the installation of a four-way stop control at the intersection of Pima and Jomax roads.

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

Mayor and Council Items begin on the following page

MAYOR AND COUNCIL

ITEMS 25-27

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Mayor and Council Items

25. [Legislative Update](#)

Request: Provide an update to the City Council and receive possible direction regarding current and pending State legislative issues and policies.

Staff Contact(s): Bridget Schwartz-Manock, Intergovernmental Relations Director,
bschwartzmanock@scottsdaleaz.gov, 480-312-2423

26. [Citizen Petition Requesting Amendments to Ordinance No. 3735 Regarding Construction Start Time](#)

Request: Consideration of, and possible action on, a citizen petition, as provided for by the City Charter, requesting an amendment to Ordinance No. 3735 that would restrict construction work on private property to a start time of 7:00 a.m. in the summer months and 8:00 a.m. during the fall and winter months. The petition was provided to the Council at the April 15, 2008 City Council Meeting by Ms. Linda Ross. **Related Policies, References:** City Charter, Article 2, Section 16 states:

“Consideration of petitions. Any citizen of the city may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council, in the regular course of business, within thirty (30) days.”

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Chief Planning and Administration Officer, 480-312-2664, cpadian@scottsdaleaz.gov

27. [Citizen Petition Requesting the Creation of Office of Citizen Ombudsman Services](#)

Request: Consideration of, and possible action on, a citizen petition, as provided for by City Charter, regarding the creation of an Office of Citizen Ombudsman Services. The petition was provided to the Council at the April 15, 2008 City Council Meeting by Mr. Leon Spiro.

Related Policies, References: City Charter, Article 2, Section 16 states: “Consideration of petitions. Any citizen of the city may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council, in the regular course of business, within thirty (30) days.”

Staff Contact(s): Lisa Blyler, Assistant to the Mayor and Council, 480-312-2492, lblyler@scottsdaleaz.gov

Public Comment

Citizens may complete one Request to Speak “Public Comment” card per night and submit it to the City Clerk before or during this evening’s meeting. Please check the box that refers to “Public Comment.” This “Public Comment” time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during “Public Comment” time.**

Mayor and Council Items

Adjournment